

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Feb 11, 2020

SEAN F. McAVOY, CLERK

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Thomas Van Dyke		Case Number: 0980 2:15CR00025-JLQ-1
Address of Offender:		Moses Lake, Washington 98837
Name of Sentencing Judicial Officer: The Honorable Justin L. Quackenbush, Senior U.S. District Judge		
Date of Original Sentence: September 28, 2015		
Original Offense:	Travel With Intent to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2423(b)	
Original Sentence:	Prison - 36 months TSR - 120 months	Type of Supervision: Supervised Release
Revocation Sentence: 10/30/2018	Prison - 3 months TSR - 120 months	
Asst. U.S. Attorney:	James Goeke	Date Supervision Commenced: March 1, 2019
Defense Attorney:	Matthew A. Campbell	Date Supervision Expires: February 28, 2029

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 07/29/2019, 09/03/2019, 12/05/2019, and 01/16/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
8	<p><u>Special Condition #6:</u> You must not possess or use any computer with access to any on-line computer service without the prior approval of the supervising officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network. You shall not have access to a modem during your term of supervision without the prior approval of the supervising officer.</p> <p><u>Supporting Evidence:</u> It is alleged Mr. Van Dyke possessed a computer without prior approval of the supervising officer on or about February 6, 2020.</p> <p>On March 7, 2019, Mr. Van Dyke reviewed and signed a copy of the revocation judgment, acknowledging his understanding of special condition number 6. On March 12, 2019, Mr. Van Dyke once again reviewed and signed a copy of the revocation judgment, acknowledging his understanding of the above condition.</p>

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On February 6, 2020, the offender's father contacted the probation office and advised the offender had become argumentative with his mother, took a cell phone, and left. The offender's father stated he did not know where his son went to. He added the offender's erratic behavior made the family fearful.

The offender took a phone which has access to the internet without obtaining prior approval from his supervision officer.

- 9 **Mandatory Condition # 3:** You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: It is alleged Michael Van Dyke has violated the conditions of supervision by using marijuana on or about February 7, 2020.

On March 7, 2019, Mr. Van Dyke reviewed and signed a copy of the judgement issued in this case acknowledging that he understood the conditions and received a copy of the conditions. On March 12, 2019, Mr. Van Dyke again reviewed and signed a copy of the revocation judgement, acknowledging his understanding of the above condition.

On August 21, 2019, Mr. Van Dyke signed his Treatment Services Contract acknowledging he understood he needed to call Social Treatment Opportunity Programs (STOP) daily and report when the color Brown was noted. The testing requirement was updated on October 22, 2019, requiring Mr. Van Dyke to report when the color Green was noted.

On February 7, 2020, the color Green was noted and Mr. Van Dyke reported as required. The urine sample returned a presumptive positive result for marijuana and was forwarded to Alere for confirmation. Mr. Van Dyke denied marijuana use.

- 10 **Standard Condition # 5:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: It is alleged Michael Van Dyke has violated the conditions of supervision by failing to notify his supervising officer of a change of address within 72 hours.

On March 7, 2019, Mr. Van Dyke reviewed and signed a copy of the judgement issued in this case acknowledging that he understood the conditions and received a copy of the conditions. On March 12, 2019, Mr. Van Dyke again reviewed and signed a copy of the revocation judgement, acknowledging his understanding of the above condition.

As noted within violation 8, Mr. Van Dyke became involved in an argument with his family, took a cell phone and left the residence. After Mr. Van Dyke left, the family changed the locks to the home. Mr. Van Dyke has failed to contact his supervising probation officer to advise of a change in residence. Calls have been placed to the phone which Mr. Van Dyke took, but the calls are immediately forwarded to voice mail where messages have been left

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for Mr. Van Dyke to call the probation office. Mr. Van Dyke has not returned the calls. At this time, Mr. Van Dyke's whereabouts are unknown.

The U.S. Probation Office respectfully recommends the Court issue a warrant and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/11/2020

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

2/11/2020

Date